

## Section 52

### PLAN REVIEW AND APPROVAL

#### Sections:

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<b>52.050</b>	<b>Additional application requirements, review procedures and review criteria.</b>
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<b>52.080</b>	<b>Appeals.</b>

#### **52.010 Introduction.**

**A.** All development proposals within the zoning jurisdictional area will be subject to plan review and approval. Depending on the complexity of development, either sketch plans or site plans will be required as specified in this section.

**B.** Special development proposals (i.e., PUDs, CUPs, variances, mobile homes located on individual lots, etc.) require other information to be submitted in conjunction with sketch plans or site plans and are subject to requirements specific to the type of proposal. These additional submittal requirements and review procedures are outlined in section 52.040.

**C.** When a development is proposed within a entryway corridor overlay district, or proposes signs which do not specifically conform to zoning requirements, design review is required in conjunction with either sketch plan or site plan review. In such cases, additional submittal requirements and review procedures apply as outlined in section 52.050.

**D.** An individual mobile home located on a mobile home stand on a mobile home space within an existing mobile home park is not subject to a land use permit or land use permit site plan review and approval.

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#### **52.020 Sketch plan review.**

##### **A. Sketch Plan Submittal Requirements for Land Use Permits.**

1. Certain independent development proposals (i.e., not in conjunction with other development) are required to submit only sketch plans, drawn to scale and in sufficient detail to demonstrate compliance with all zoning requirements. Sketch plans shall be oriented with north at the top of the page and shall also show site boundaries, street and alley frontages with names, and location of all structures

with distances to the nearest foot between buildings and from buildings to property lines.

2. Separate construction plans are necessary for building permits when the proposal requires such permits.

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3. Examples of independent projects which qualify for sketch plan review are: individual single-family, two-family, three-family, and four-family residential units, each on individual lots; manufactured homes on individual lots; fences; signs in compliance with zoning requirements; special temporary uses; home occupations; and accessory structures associated with these uses. Other similar projects may be determined by the planning director to require only sketch plan review. The planning director shall determine all submittal requirements.

**B. Sketch Plan Review Procedures.** Sketch plans for projects shall be submitted to the planning staff for a determination of compliance with zoning requirements. Once compliance is achieved, the application will be approved and referred to the appropriate permitting authorities.

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**C. Sketch Plan Review Criteria.** Sketch plans shall be reviewed for compliance with all applicable zoning requirements including overlay district requirements and the cessation of any current violations of this title, exclusive of any legal nonconforming conditions.

## **52.030 Site plan review.**

### **A. Classification of Site Plans.**

1. For purposes of this title, site plans will be classified as major or minor site plans. All developments within the zoning jurisdiction, except individual single-family, two-family, three-family and four-family residential structures, each on individual lots, and other development proposals requiring only sketch plan review, shall be subject to this section. A major site plan involves one or more of the following:
  - a. Twelve or more dwelling units in a multiple family structure or structures;
  - b. Fifteen thousand (15,000) or more square feet of office space, retail commercial space, service commercial space or industrial space;
  - c. More than one building on one site for permitted office uses, permitted retail commercial uses, permitted service commercial uses, permitted industrial uses or permitted combinations of uses;
  - d. Twenty thousand (20,000) or more square feet of exterior storage of materials or goods;
  - e. Parking for more than forty (40) vehicles.
2. Any other site plan, except those that are part of a planned unit development or conditional use permit, will be considered a minor site plan.
3. Any conditional use permit application shall be reviewed according to the regulations in Section 53.

4. Any planned unit development shall be reviewed according to the regulations in Section 54.

**B. Review Authority.**

1. The planning board has the right to review and require revisions to any proposed site plans, major or minor. The purpose of this review is to prevent demonstrable adverse impacts of the development upon public safety, health or welfare; to protect public investments in roads, drainage facilities, sewage facilities, and other facilities; to conserve the value of adjoining buildings and/or property; and to ensure that the applicable regulations are upheld.
2. The planning board authorizes the staff to review and approve minor site plans, subject to the appeal provisions outlined in Section 58. In consideration of any major site plan application, the planning board may authorize the staff to review and approve major site plans, subject to the appeal provisions outlined in Section 58.

**C. Application of Site Plan Review Procedures.**

1. These procedures shall apply to all developments within the zoning jurisdiction except for individual single-family, two-family, three-family and four-family residential units, each on individual lots, or to other development proposals requiring only sketch plan review.
2. The site plan shall be submitted and approved prior to the issuance of any building permit.
3. No occupancy permits shall be issued for any development for which site plan review is required until certification has been provided demonstrating that all terms and conditions of site plan approval have been complied with.

**D. Site Plan Submittal Requirements.**

1. Applications for all site plan approvals shall be submitted to the planning office on forms provided. The site plan application shall be accompanied by the appropriate fee and development plans showing sufficient information for the commission, planning board, and staff to determine whether the proposed development will meet the development requirements. Unless otherwise specified, twenty copies of the application and required supplemental information addressing the following shall be submitted:
  - a. General Information.
    - i. Name of project/development,
    - ii. Location of project/development by street address and legal description,
    - iii. Location map, including area within one-half mile of site,
    - iv. Name and mailing address of developer and owner,
    - v. Name and mailing address of engineer/ architect, landscape architect and/or planner,
    - vi. Date of plan preparation and changes,
    - vii. North point indicator,
    - viii. Suggested scale of one inch to twenty feet (1":20') , but not less than one inch to one hundred feet,
    - ix. List of names and addresses of property owners within two hundred feet (200') of site, using last declared county real estate tax records,

- x. Stamped, unsealed envelopes addressed with names of above property owners,
  - xi. Zoning classification within two hundred feet (200'),
  - xii. Listing of specific land uses being proposed, and
  - xiii. Complete, signed application.
- b. Site Plan Information. The following information is required whenever the requested information pertains to: (1) zoning or other regulatory requirements; (2) existing conditions on-site; or (3) conditions on-site which would result from the proposed development.
- i. Boundary line of property with dimensions,
  - ii. Location, identification and dimension of the following existing and proposed data, on-site and to a distance of one hundred feet (100') outside site plan boundary unless otherwise stated:
    - (A) Topographic contours at a minimum interval of two (2) feet, or as determined by the planning director,
    - (B) Adjacent streets and street rights-of-way to a distance of one hundred fifty feet (150'), except for sites adjacent to major arterial streets where the distances shall be two hundred feet (200'),
    - (C) On-site streets and rights-of-way,
    - (D) Ingress and egress points,
    - (E) Traffic flow on-site,
    - (F) Traffic flow off-site,
    - (G) Utilities and utility rights-of-way or easements:
      - (1) Electric,
      - (2) Natural gas,
      - (3) Telephone, cable TV,
      - (4) Water,
      - (5) Sewer (sanitary, treated effluent and storm),
    - (H) Parcel size(s) in gross acres and square feet,
    - (I) Buildings and structures,
    - (J) Estimated total floor area and estimated ratio of floor area to lot size (floor area ratio, FAR), with a breakdown by land use,
    - (K) Proposed coverage of buildings and structures for parcel(s) and total site, including the following:
      - (1) Percentage and square footage of building coverage,
      - (2) Percentage and square footage of driveway and parking,
      - (3) Percentage and square footage of open space and/or landscaped area,
    - (L) Surface water holding ponds, streams and irrigation ditches, watercourses, water bodies and wetlands,
    - (M) Floodplains as designated on the Federal Insurance Rate Maps,
    - (N) Grading and drainage plan, including provisions for on-site retention/detention and water quality improvement facilities as required, or in compliance with any adopted storm drainage ordinance,

- (O) Significant rock outcroppings, slopes of greater than fifteen percent (15%), or other significant topographic features,
- (P) Detailed plan of all parking facilities including circulation aisles, access drives, bicycle racks, compact spaces, handicapped spaces and motorcycle parking,
- (Q) Sidewalks, walkways, driveways, loading areas and docks, bikeways, including typical details,
- (R) Provision for handicapped accessibility, including but not limited to wheelchair ramps, parking spaces, handrails, and curb cuts, including construction details and the applicant's certification of ADA compliance,
- (S) Fences and walls, including typical details,
- (T) Exterior signs,
- (U) Exterior refuse collection areas, including typical details,
- (V) Exterior lighting, including typical details,
- (W) Curb, asphalt section, and drive approach construction details,
- (X) Landscaping (detailed plan showing plantings, equipment, and other appropriate information as required in Section 46),
  - (1) Landscape legend, including botanical and common names of vegetation to be used,
  - (2) Size of plantings at time of planting and at maturity,
  - (3) Areas to be irrigated,
- (Y) Unique natural features, significant wildlife areas and vegetative cover, including existing trees and shrubs having a diameter greater than two and one-half inches (2-1/2"), by species,
- (Z) Snow storage areas,
- (AA) Location of municipal and extraterritorial boundaries within or near the development,
- (BB) Existing zoning,
- iii. Number of employee and non-employee parking spaces, existing and proposed, and total square footage of each,
- iv. Site statistics including site square footage, nonresidential building square footage, percent of site coverage (building and parking), net dwelling unit density, percent park or open space,
- v. Total number, type and density per type of dwelling units, and total gross residential density and density per residential parcel,
- vi. A reproducible copy of the site plan with appropriate signatures shall be submitted upon approval;
- c. Building Design Information (On-Site).
  - i. Building heights and elevations of all exterior walls of the building(s) or structure(s),
  - ii. Height above mean sea level of the elevation of the lowest floor and location of lot outfall when the structure is proposed to be located in a floodway or floodplain area,
  - iii. Floor plans depicting location and dimensions of all proposed uses and activities.

**E. Site Plan Review Procedures.**

1. Minor Site Plan. Minor site plans shall be processed for review in the manner prescribed in Section 51 and Section 58, should an appeal be taken.
2. Major Site Plan. Major site plans shall be initially processed through the staff, however, the staff action may not be final but rather advisory to the planning board. All procedures and appeals shall be conducted per the provisions of Sections 51 and 58.

**F. Site Plan Review Criteria.**

1. In considering applications for site plan approval under this title, the staff, the planning board, and the commission shall consider the following:
  - a. Relationship of site plan elements to conditions both on and off the property;
  - b. Conformance to this title, including the cessation of any current violations;
  - c. Conformance to the *Gallatin County Plan*;
  - d. All other applicable laws, ordinances and regulations;
  - e. The impact of the proposal on the existing and anticipated traffic and parking conditions;
  - f. The consistency of the proposal with respect to land use requirements;
  - g. Pedestrian and vehicular ingress and egress;
  - h. Building location and height;
  - i. Landscaping;
  - j. Lighting;
  - k. Provisions for utilities;
    1. Site surface drainage;
  - m. Open space;
  - n. Loading and unloading areas;
  - o. Grading;
  - p. Signage;
  - q. Screening;
  - r. Setbacks;
  - s. Overlay district provisions;
  - t. Other related matters, including expressed public opinion.
2. If the staff, planning board or the commission shall determine that the proposed site plan will not be detrimental to the health, safety or welfare of the community, is in compliance with the requirements of this title and is in harmony with the purposes and intent of this title and the *Gallatin County Plan*, approval shall be granted, and such conditions and safeguards may be imposed as deemed necessary.
3. Site plan approval may be denied upon determination that the conditions required for approval do not exist.

**52.040 Special development proposals.**

**A. Application Requirements.** Applications for special development proposals (PUD, CUP, floodplain development permits, variances) shall include:

1. The required information for major and minor site plans described in section 52.030;
2. Any additional application information required for specific reviews as listed in the following sections:
  - a. 44, Flood Hazard District,
  - b. 53, Conditional Use Procedure,
  - c. 54, Planned Unit Development,
  - d. 56, Variance and Administrative Interpretation Appeal Procedures.

**B. Review Procedures and Review Criteria.** Additional review procedures and review criteria for specific development proposals are defined in the following Sections:

- a. 44, Flood Hazard District,
- b. 53, Conditional Use Procedure,
- c. 54, Planned Unit Development,
- d. 56, Variance and Administrative Interpretation Appeal Procedures.

**52.050 Additional application requirements, review procedures and review criteria.**

**A. Submittal Requirements.**

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1. Entryway Overlay District.
  - a. Depending on the complexity of development, either sketch plans or site plans will be required as specified in this section.
  - b. If the proposal includes an application for a "deviation" as outlined in section 43.080, the application for deviation shall be accompanied by written and graphic material sufficient to illustrate the conditions that the modified standards will produce, so as to enable the commission to make the determination that the deviation will produce an environment, landscape quality and character superior to that produced by the existing standards, and will be consistent with the intent and purpose of Section 43.
2. Sign Proposals Which Do Not Specifically Conform to Zoning Requirements. Independent sign proposals (i.e., not in conjunction with other development) which do not specifically conform to zoning requirements, are required to submit full site plans. Additional site design information in sufficient detail to demonstrate compliance with the design objective plan encompassing the property's location shall be provided. If no design objective plan has been prepared for the location, additional site design information, if necessary, shall be determined by the staff.

**B. Review Procedures and Criteria.**

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1. Approvals within the Entryway Corridor Overlay District shall only be issued according to procedures and criteria specified in Sections 43 and 65, and Section 51 which describes the general procedures, notice requirements and timing, for all proposals requiring staff review.

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2. Sign proposals which do not specifically conform to zoning requirements shall be reviewed according to procedures and criteria outlined in Section 65.

**52.055 Public notice requirements.**

**A. Public Notice Requirements For Sketch Plan Applications.** No public notice requirements shall apply for sketch plan applications outside of overlay districts. Within overlay districts, no public notice requirements shall apply for the alteration or construction of single-family residences unless a deviation from the underlying zoning is

requested. Within overlay districts, public notice requirements shall apply to sketch plan applications for duplexes, triplexes and fourplexes where a principal use is proposed to be established or intensified, and/or a deviation from the underlying zoning is requested.

**B. Public Notice Requirements for major site plan applications, minor site plan applications, and for sketch plan applications that are not exempted from notice requirements above.** The site in question shall be posted in at least one conspicuous location on the site in question and mailed to all adjacent owners of record of real property using last declared county real estate tax records, at least ten (10) days prior to the decision, as applicable, specifying the date, number, time and place for said approvals. It shall specify the name and address of the applicant, the name and address of the owner of record of the property, a legal description of the property affected, the street address or its location by approximate distances from the nearest major street or road intersections so the property can be readily identified, a brief statement of the nature of the approvals, and a reference to the appeals procedures in Section 58.

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**C. Additional Public Notice Requirements.** Additional public notice requirements for specific development proposals are defined in the following Sections:

1. Section 53, Conditional Use Procedure;
2. Section 54, Planned Unit Development;
3. Section 56, Variance and Administrative Interpretation Appeal Procedures.

**D. Notice of Approval Within Overlay Districts.** In order to inform adjacent property owners and residents that an application within an overlay district has been approved, any site approved for construction or alterations within an overlay district shall be posted with a notice supplied by the planning office. The notice shall be posted in a conspicuous place on the site before any construction begins and may be removed when the project is substantially complete. The notice shall specify the name of the owner of record, the address of the property, a description of the scope of work approved and the date of approval.

## **52.060**

*Section deleted.*

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## **52.070 Amendments to sketch and site plans.**

**A. Intent.** It is the intent of this section to assure that issues of community concern are addressed during the redevelopment, re-use or change in use of existing facilities in the community. Specific areas of community concern include public safety, mitigation of off-site environmental impacts, and site character in relation to surroundings. The following procedures for amendments to approved plans, reuse of existing facilities, and further development of sites assure that these concerns are adequately and expediently addressed.

**B. Amendments of Plans Approved Under this Title.** Any amendment or modification of a plan approved under the regulation codified in this section shall be submitted to the planning director for review and possible approval. Proposals for further development, reuse, or change in use of sites developed pursuant to this title shall also be reviewed as an amendment to an approved plan. All amendments shall be shown on a revised plan drawing. Amendments to approved plans shall be reviewed and may be approved by the planning director upon finding that the amended plan is in substantial compliance with the originally approved plan. If it is determined that the amended plan is not in substantial compliance with the originally approved plan, the application shall be resubmitted as a new application and shall be subject to all plan review and approval provisions of this section.

**C. Reuse, Change in Use, or Further Development of Sites Developed Prior to the Adoption of the Regulation Codified in This Title.**

1. Sites legally developed prior to the adoption of the regulation codified in this title shall be considered to have developed under an approved plan. Proposals for reuse, change in use, or the further development of sites legally developed prior to the adoption of the regulation codified in this title may be approved by the planning director upon finding that no significant alteration of the previous use and site are proposed, and upon review to assure that adequate access and site surface drainage are provided. All such proposals shall be shown on a plan drawing as required by the planning director.
2. The criteria for determining that no significant alteration of the previous use and site will result from the proposed reuse, change in use, or further development of a site shall include but not be limited to the following:
  - a. The proposed use is allowed under the same zoning district use classification as the previous use; however, replacement of nonconforming uses must comply with the provisions of subsection 50.160.F;
  - b. Changes proposed for the site, singly or cumulatively, do not increase lot coverage by buildings, storage areas, parking areas or impervious surfaces by more than twenty percent, nor add more than twenty percent in assessed value to the property;
  - c. Changes proposed for the site, singly or cumulatively, do not result in more than a twenty percent (20%) increase in intensity of use as measured by parking requirements, traffic generation or other measurable off-site impacts;
  - d. The proposed use does not continue any unsafe or hazardous conditions previously existing on the site or associated with the proposed use of the property.
3. If it is determined that the proposed reuse, change in use, or further development of a site contains significant alterations to the previous use and/or site, the application shall be resubmitted as a new application and shall be subject to all plan review and approval provisions of this section.

4. When proposals for reuse, change in use, or further development of a site are located in entryway corridor overlay district, review by the staff may be required to determine whether re-submittal as a new application is necessary.

**52.080 Appeals.**

Appeals of decisions rendered in conjunction with any plan review may be taken as set forth in Section 58. In such event, any plan review approval shall be stayed until the appeal process has been satisfied.